



STATE OF MICHIGAN  
NATURAL RESOURCES COMMISSION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

February 10, 2003  
RESUBMITTED: March 17, 2003

Memorandum to the Natural Resources Commission:

SUBJECT: .17 Caliber Rimfire Firearms

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director and the Commission to issue orders to manage animals in this state.

Discussion and Background:

Within the past year, a new rimfire rifle cartridge, the .17 caliber, became available on the market. Basically, the .17 is a .22 caliber magnum rimfire cartridge necked-down to accept a 0.172 inch diameter 17-grain bullet. The cartridge was designed for varmint hunting, and several manufacturers are now bringing rifles chambered in this caliber to market.

The attractiveness of this specialty cartridge was uncertain; however, it now appears there is sufficient interest by varmint hunters, particularly coyote and fox hunters, to accommodate its use for both daytime and nighttime hunting. Conversely, concerns about the appropriateness of not excluding this rimfire caliber for use in hunting deer have also been expressed.

Michigan's current wildlife regulations make a number of exceptions allowing exclusive use of the ".22 caliber rimfire firearm" for taking raccoon and predators under certain circumstances. The regulations also exclude the use of a ".22 caliber rimfire firearm or 5 mm rimfire firearm" for the taking of deer. This order proposes, except for the shell capacity restriction exemption, that whenever the wildlife regulations make an exemption for the .22 caliber rimfire firearm, the language be changed to "rimfire firearm .22 caliber or smaller" to generically include or exclude the .17 caliber rimfire, and other smaller caliber rimfire firearms if such are developed.

Recommendation:

This order was submitted for information only at the March 2003 meeting of the Natural Resources Commission. This item appeared in the March 31, 2003, Calendar and is eligible for approval on April 11, 2003. We are now recommending that it be acted upon at this meeting.

Rebecca A. Humphries, Chief	Richard C. Asher, Chief	George E. Burgoyne, Jr.
Wildlife Division	Law Enforcement Division	Resource Management Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Natural Resources Commission has authority.

K. L. Cool  
Director

# **WILDLIFE CONSERVATION ORDER**

## **Amendment No. 2 of 2003**

Under the authority of sections 40107 and 40113a, Act No. 451 of the Public Acts of 1994, as amended, being sections 324.40107 and 324.40113a of the Michigan Compiled Laws, the Natural Resources Commission and the Director of the Department of Natural Resources ordered that effective April 12, 2003, the following sections of the Wildlife Conservation Order shall read as follows:

### **2.1 Taking of animals; prohibited methods, devices, and weapons; exceptions.**

Sec. 2.1. Unless otherwise specified in this order, a person shall not do any of the following:

(1) Make use of a pit, pitfall, deadfall, scaffold, raised platform, tree, cage, snare, trap, net, baited hook, or similar device, or a drug, poison, anti-coagulant, smoke, gas, explosive, weasel, ferret, fitchew, crossbow, arbalest, spear, or mechanical device, for the purpose of taking an animal or driving an animal out of their hole or home. For the purpose of this order, a mechanical device shall not be construed to mean a firearm, slingshot, or bow and arrow. When used in this order, "raised platform" means a horizontal surface constructed or manufactured by a person that increases the field of vision of a person using the horizontal surface beyond the field of vision that would normally be attained by that person standing on the ground.

(2) Use in taking an animal, or have in the person's possession in an area frequented by animals, a semiautomatic shotgun or rifle other than .22 caliber rimfire, capable of holding more than 6 shells at 1 time in the magazine and barrel combined, or use a cartridge containing a tracer bullet, or a cartridge containing an explosive bullet, or a firearm capable of firing more than 1 shot with a single pull or activation of the trigger.

(3) During the 5 days immediately preceding November 15, transport or possess in an area frequented by deer a rifle or shotgun with buckshot, slug load, ball load, or cut shell. A person may transport a rifle or shotgun to or from a hunting camp if the rifle or shotgun is unloaded and securely encased or carried in the trunk of a vehicle. This section shall not prohibit a resident who holds a fur harvester's license from carrying a rimfire firearm .22 caliber or smaller while hunting or checking a trap line during the open season for hunting or trapping fur-bearing animals.

(4) Use in hunting, or possess afield in an area inhabited by wild birds and animals within the "shotgun, handgun, black-powder firearms only area" from November 15 to November 30, or use to take a deer during any firearm deer season in the "shotgun, handgun, black-powder firearms only area," a firearm other than:

(a) A shotgun with a smooth or rifled barrel.

(b) A .35 caliber or larger pistol capable of holding no more than 9 shells at 1 time in the barrel and magazine combined and loaded with straight-walled cartridges.

(c) A muzzle-loading rifle or black-powder pistol loaded with black-powder or a commercially manufactured black-powder substitute.

(5) Injure, destroy, or rob the eggs of birds protected by the laws of this state or this order, or molest, harass, or annoy those birds upon their nests.

(6) Possess or use an apparatus known as a silencer on a gun while hunting in this state.

(7) Make use of a sink box or battery as these devices are defined by the United States fish and wildlife service.

(8) Set afire or assist in setting afire a marshland or other lands for the purpose of driving out wild birds or wild animals, or take or attempt to take a wild bird or wild animal so driven out of a marshland or other land.

(9) Take any animal at any time other than during the hunting hours and open seasons established in this order except as may otherwise be provided in chapter VI.

(10) Take in 1 day more than the daily limit, or possess at 1 time more than the possession limit, or possess on the first day of the open season more than the daily limit, or possess more than the season limit of any animal.

(11) Destroy, disturb, or molest at any time any bear, beaver, muskrat, raccoon, squirrel, mink, badger, or rabbit house, hole, burrow, nest, dam, or den which may be used by such animals.

(12) Make use of a dog in hunting deer except that a dog may be used to locate a down and mortally wounded deer if the dog is kept on a leash and none of the persons in attendance possess a firearm or bow and arrow. If the tracking is done at night, artificial lights ordinarily carried in the hand may be used. A dog that barks while tracking the deer shall not be used on public lands.

(13) Affix any device to a bow, which aids in the cocking or holding of a bow string in a drawn position. This subsection shall not prohibit the use of a hand-held device to release the bow string. This subsection shall not apply to a permanently disabled person who holds a special permit provided for in part 401, wildlife conservation, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.40101 to 324.40119 of the Michigan Compiled Laws, or this order.

(14) Use aircraft to aid in the taking of a wild bird or wild animal.

(15) Take game with a crossbow, except deer during the November 15 to November 30 firearm deer season by hunters age 14 or older, unless they have been issued a crossbow permit pursuant to section 5.95.

### **2.3 Permitted acts; trapping; use of rimfire firearm .22 caliber or smaller; American Indians on reservations.**

Sec. 2.3. This order shall not be construed to prohibit any of the following:

(1) The trapping of fur-bearing animals as provided in this order.

(2) The carrying and using of a rimfire firearm .22 caliber or smaller to kill raccoon while hunting with dogs between the hours of 7 p.m. and 6 a.m. during the firearm deer season.

(3) The enjoyment by American Indians living on a reservation of the privileges bestowed upon them by federal law or treaties.

### **2.4 Permissible use of artificial lights.**

Sec. 2.4. (1) Artificial lights, similar to the type ordinarily held in the hand or on the person, may be used from September 15 to March 31 by a person traveling afoot with a bow and arrow, a rimfire firearm .22 caliber or smaller or shotgun with loads other than buckshot, slug or cut shell, however, the person shall not possess a loaded firearm or bow with a nocked arrow except when 1 or more of the following conditions apply:

(a) The person is following dogs and is at the point of kill for taking a treed raccoon during the open season for taking raccoon by hunting.

(b) The person is following dogs and is at the point of kill for taking opossum during the open season for taking opossum by hunting.

(c) The person is taking coyote or fox with the aid of a game or predator call during the open season for taking fox by hunting.

(2) Persons not possessing a bow or firearm while traveling afoot may use lights as defined in subsection (1) during dog training or field dog trials to follow dogs chasing raccoon, opossum, or fox.

### **3.100 Taking of deer, prohibited firearms, "bait" and "baiting" defined, conditions for baiting established in certain area; unlawful acts.**

Sec. 3.100. (1) A person shall not use a rimfire firearm .22 caliber or smaller for the taking of deer.

(2) It shall be unlawful for a person to take or possess, at any time, an albino deer, being a deer with all white or colorless hair, or a deer with a coat of all white or colorless hair similar to an albino deer. Piebald, or partially white deer, may be taken under the provisions of this order.

(3) A person shall not pursue, capture, shoot, kill, chase, follow, harass, or harm a deer while the deer is swimming in a pond, lake, stream, or other body of water.

(4) For the purposes of this section, "bait" means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, which may lure, entice or attract deer. "Bait" does not include the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to deer through normal agricultural practices of livestock feeding if the area is occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices. For the purposes of this section, "baiting" means to place, deposit, tend, distribute, or scatter bait to aid in the taking of a deer.

(5) It shall be unlawful for a person to make use of bait to aid in the taking of a deer within Alcona, Alpena, Crawford, Montmorency, Oscoda, Otsego, and Presque Isle counties.

(6) In those portions of Michigan not closed to baiting by subsection (5), a person may engage in baiting only if all of the following conditions apply:

(a) The baiting occurs only from October 1 to January 1.

(b) The bait material may be of any food type.

(c) The bait is scattered directly on the ground by any means, including mechanical spin-cast feeders, provided that the spin-cast feeder does not distribute on the ground more than the maximum volume allowed as described in subdivision (d) of this subsection. "Scattered" means that the bait is dispersed or thrown over a minimum of a 10-foot by 10-foot or equivalent area so that individual pieces of bait are separated and not placed in piles. The purpose of scattering is to mimic natural feeding conditions.

(d) The volume of bait used at any 1 point in time shall not exceed 2 gallons at any 1 hunting site.

(7) It shall be unlawful for a person to make use of bait to aid in the taking of a deer if the bait and baiting does not meet all of the conditions specified in subsection (6) unless specifically authorized in the minimum quantity and for the minimum time required under the conditions of a permit issued pursuant to chapter V for a scientific research project or for the control of deer by a governmental agency.

### **3.605 Raccoon hunting, seasons; taking raccoons doing or about to do damage, person taking considered permittee.**

Sec. 3.605. (1) The open season for taking raccoon by hunting shall be October 1 to January 31, except that the open season for nonresidents taking raccoon by hunting shall be November 15 to January 31.

(2) A property owner or their designee may take raccoon all year on property owned by the person when raccoons are doing or are about to do damage to the person's property. A person taking a raccoon under the authority of this subsection shall be considered a permittee as defined by section 5.50 of this order, and the person shall be authorized to take raccoon all year by otherwise lawful hunting and trapping methods. Notwithstanding the other provisions of this order, a person taking raccoon under the authority of this subsection may take raccoon at night from July 15 to September 14 using artificial lights, similar to the type ordinarily held in the hand or on the person, in possession of an unloaded firearm while following dogs and at the point of kill for the purpose of taking raccoons if using a rimfire firearm .22 caliber or smaller.

Issued this 11<sup>th</sup> day of April, 2003.

Approved as to matters over which the Natural Resources Commission has authority.

Keith J. Charters, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

K. L. Cool  
Director